

STATES PATENT AND TRADEMARK OFFICE

Applicant(s): George Friedman

Serial No.:

09/638,828

For:

METHOD AND SYSTEM FOR WEB BASED SOFTWARE OBJECT

TESTING

Filing Date: August 14, 2000 Mary J. Steelman

Examiner: Art Unit:

2122

Conf. No.:

9533

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: June 20, 2005

By: Mary A. Maietta

(Typed or printed name of person mailing Document, whose signature appears below)

Signature: Mary a. Maretta

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

PETITION UNDER 37 CFR §1.48(a) TO CORRECT INVENTORSHIP

Dear Sir:

The undersigned, on behalf of the Applicants and the Assignee herein, petitions the Commissioner in accordance with 37 C.F.R. §1.48(a) to correct the inventorship of the above-identified application by adding the names Walter Vahey, Michael Glik, and

U.S. Application No.: <u>09/638,828</u>

Attorney Docket No.: EMP04-19

- 2 -

Caren Baker, as co-inventors.

The failure to name the correct inventors was caused by an error. Submitted herewith is a statement from the inventors to be added establishing that the error in inventorship occurred without deceptive intention on their part.

Respectfully submitted,

Rv:

David W. Rouille, Esq. Attorney for Applicants

U.S.P.T.O. Registration No.: 40,150

land W. Roulle

CHAPIN & HUANG, L.L.C. Westborough Office Park 1700 West Park Drive

Westborough, Massachusetts 01581

United States of America Telephone: (508) 366-9600 Facsimile: (508) 616-9805

Attorney Docket No.: EMP04-19

Date: <u>June 20, 2005</u>



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): George Friedman

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Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

STATEMENT OF ADDED INVENTORS IN SUPPORT OF PETITION UNDER 37 CFR §1.48(a) TO CORRECT INVENTORSHIP

Dear Sir:

We, the inventors being added to the above-identified application do hereby 06/23/2005 RMEBRAHT 00000039 09638828

130.00 OP

02 FC:1464

Application No.: <u>09/638,828</u> Attorney Docket No.: <u>EMP04-19</u>

- 2 -

declare that an error occurred in naming the inventors of the above-identified application and that the error occurred without deceptive intention on our part.

40 Sec. 14

We, hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment or both under 18 USC §1001, and may jeopardize the validity of the application or any patent issuing thereon.

Date: 5/23/2005	when win
	Signature of Walter Vahey
Date:	
	Signature of Michael Glik
Date:	
	Signature of Caren Baker



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): George Friedman

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Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

STATEMENT OF ADDED INVENTORS IN SUPPORT OF PETITION UNDER 37 CFR §1.48(a) TO CORRECT INVENTORSHIP

Dear Sir:

We, the inventors being added to the above-identified application do hereby

declare that an error occurred in naming the inventors of the above-identified application and that the error occurred without deceptive intention on our part.

We, hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment or both under 18 USC §1001, and may jeopardize the validity of the application or any patent issuing thereon.

Date:	
	Signature of Walter Vahey
Date: 06/01/2005	Muilly
<i>t</i> 1	Signature of Michae Glik
Date:	
	Signature of Caren Baker



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): George Friedman

Serial No.:

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Dear Sir:

We, the inventors being added to the above-identified application do hereby

Application No.: <u>09/638,828</u> Attorney Docket No.: <u>EMP04-19</u>

- 2 -

declare that an error occurred in naming the inventors of the above-identified application and that the error occurred without deceptive intention on our part.

We, hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment or both under 18 USC §1001, and may jeopardize the validity of the application or any patent issuing thereon.

Date:	
	Signature of Walter Vahey
Date:	
	Signature of Michael Glik
Date: 5/20/05	Con Bour Signature of Caren Baker
, ,	Signature of Caren Baker



TED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): George Friedman

Serial No.:

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Date: June 20, 2005

By: Mary A. Maietta

(Typed or printed name of person mailing Document, whose signature appears below)

Signature: Mary amaretta

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

CONSENT OF ASSIGNEE TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. §1.48(a)

Dear Sir:

The undersigned, a representative of Empirix Inc., represents that Empirix Inc., is the owner of the entire right, title and interest of Application Serial No. 09/638,828, filed on August 14, 2000 for "METHOD AND SYSTEM FOR WEB BASED SOFTWARE OBJECT TESTING" by virtue of an Assignment executed on May 23, 2005 by Walter

06/17/2005 15:29 FAX 9786949018

EMPIRIX

U.S. Application No.: 09/638,828

Attorney Docket No.: EMP04-19

-2-

Vahey, an Assignment executed on June 1, 2005 by Michael Glik, and an Assignment executed on May 20, 2005 by Caren Baker.

The undersigned hereby certifies that the above-mentioned Assignments have been reviewed and to the best of the undersigned's knowledge and belief, title is in Empirix Inc., who is seeking to take this action.

The undersigned (whose title is supplied below) is empowered to sign this consent statement on behalf of the assignee.

Empirix Inc., hereby consents to the correction of inventorship in connection with the above-identified application whereby the names of Walter Vahey, Michael Glik, and Caren Baker are added as co-inventors.

Date: 6/17/05



DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES LETTERS PATENT APPLICATION

As a below-named inventor, I, George Friedman, hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD AND SYSTEM FOR WEB BASED SOFTWARE OBJECT TESTING the specification which is attached hereto and identified as Atterney Docket No. EMPIR-013PUS.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim fo eign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC §119
			Yes No
			Yes No

ALL FOREIGN	APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Patent Attorney Case No. EMPIR-013PUS

I hereby claim pr ority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC §119(e)
60/151,418	08/30/99	X Yes No_
		_ Yes No _
	,	_Yes No_

I hereby claim the benefit under Title 35, United States Code §120, of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to paten ability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (month,day,year)	Status (Patented/Pending/Abandoned)
09/482,178	01/12/00	Pending
		·

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. I hereby appoint:

Christopher S. Daly	Reg. No. 37,303
Judith C. Crowley	Reg. No. 35,091
Donald F. Mofford	Reg. No. 33,740
Paul D. Durkee	Reg. No. 41,003
Barry Gaiman	Reg. No. 42,562
Richard M. Sharkansky	Reg. No. 25,800
David W. Rouille	Reg. No. 40, 150
Kermit Robinson	Reg. No. 48,734
Robert V. Klauzinski	Reg. No. 42,742

06/12/2002 10:31 FAX

- Patent Attorney Case No. EMPIR-013PUS

all of Daly, Crow ey & Mofford, LLP, 275 Turnpike Street - Suite 101, Canton MA 02021-2310, jointly, and each of them severally, my attorneys at law, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls and address all correspondence to:

David W. Rouille
Daly, Crowley & Mofford, LLP
275 Turnpike Street - Suite 101
Canton, MA 02021
Telephone No. (781) 401-9988
Facsimile: (781) 401-9966

Full name of first or sole Inventor George Friedman	
Inventor's Signa ure	Date C 13 2002
Residence 19 Flanagan Dri ve, Framingham, MA 01701	
Country of Citizenship United States	



As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND SYSTEM FOR WEB BASED SOFTWARE OBJECT TESTING

the sp	ecification of which	n (check one)							
[]	is attached heret	to.							
[X]	was filed on August 14, 2000 as United States Application Serial No.: 09/638,828								
	and was amende	ed on	(if applicable).						
specifi	I hereby state the cation, including the	at I have reviewed ne claims, as ame	and understand the contents of nded by any amendment referred	the at	ove-io	dent	ified		
patenta	I acknowledge the ability as defined in	ne duty to disclose n 37 C.F.R. §1.56.	information which is known by r	ne to t	e mat	teria	l to		
identiii	ation(s) for patent o ated at least one c ed below. by checl	or inventor's certifi country other than king the box, any t	fits under 35 U.S.C. 119(a)-(d) c cate or 365(a) of any PCT intern the United States of America, lis foreign application for patent or in g date before that of the applicati	ationa ted be	l appli low ar	cation of the control	on wi ave a	hich also or of	any imed:
		<u>Prio</u>	or Foreign Application(s)	N	ority lot imed		Cert Copy ES		
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I hereb below.	y claim the benefit	under 35 U.S.C.	§119(e) of any United States pro	vision	al app	licat	ion(s	i) list	ed
<u>60/151</u>			August 30, 1999						
(Applic	ation Number)		(Filing Date)						
(Applic	ation Number)		(Filing Date)						

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/482,178	January 12, 2000	Pending
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)

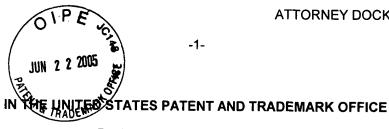
As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Barry W. Chapin, Esq.	Reg. No. 39,934
David E. Huang, Esq.	Reg. No. 39,229
Christopher J. Lutz, Esq.	Reg. No. 44,883
Paul P. Kriz, Esq.	Reg. No. 45,752
David W. Rouille, Esq.	Reg. No. 40,150
James F. Thompson, Esq.	Reg. No. 36,699

of Chapin & Huang, L.L.C., Westborough Office Park, 1700 West Park Drive, Westborough, Massachusetts 01581.

Please send correspo	ndence to: <u>David W. Rouille, Esq.</u>	
Chapin & Huang, L.L.	C., Westborough Office Park, 1700 West Pa	rk Drive, Westborough, MA 01581
Direct telephone calls	to: David W. Rouille, Esq. 7	elephone No.: 508-366-9600
Direct facsimiles to: _	David W. Rouille, Esq. F	acsimile No.: 508-616-9805
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Full name of sole		
or first inventor	George Friedman	
Inventor's Signature		Date
Residence	19 Flanagan Drive, Framingham, MA 017	
Citizenship		
Post Office Address	Same as above	
		

Full name of second j	pint		· · · · · · · · · · · · · · · · · · ·
inventor, if any	Walter Vahey		
Inventor's Signature_	amalus	_ Date _	5/23/2005
Residence	2 Ware Road, Winchester, MA 01890		
	United States of America		
Post Office Address _	Same as above		
Full name of third joint			
inventor, if any	Michael Glik		
	11 Sharpa Pond Nouton MA 02150		
Citizenship	United States of America		
Post Office Address _	Same as above		
Full name of fourth join	nt		
inventor, if any	Caren Baker		
Inventor's Signature			
	188 Bishops Forest Road, Waltham, MA 02452		
	United States of America		
	Same as above		



Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND SYSTEM FOR WEB BASED SOFTWARE OBJECT TESTING

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[]	is attached here	eto.							
[X]	was filed on Aug	gust 14, 2000 as U	Inited States Application Serial	No.: 09	/638,8	28			
	and was amend	ed on	(if applicable).						
specifi	I hereby state th cation, including the	at I have reviewed he claims, as ame	and understand the contents on the contents on the contents of the content referred to the content referred to the content referred to the content referred to the content	of the al	oove-id oove.	dent	ified		
patent	I acknowledge tl ability as defined i	he duty to disclose n 37 C.F.R. §1.56.	information which is known by	me to t	oe mat	eria	l to		
identifi	ation(s) for patent a ated at least one of ed below, by chec	or inventor's certificountry other than the box. any f	efits under 35 U.S.C. 119(a)-(d) icate or 365(a) of any PCT inter the United States of America, l foreign application for patent or g date before that of the applica	nationa isted be invent	il appli slow ar	cation and h	on wi ave a	hich also or of	any imed:
		<u>Pri</u>	or Foreign Application(s)	N	ority lot imed	(Yi	Cert Copy ES	tified Filed N	
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(Numb	er)	(Country)	(Day/Month/Year filed)	_ []	[]	[]
(Numb	er)	(Country)	(Day/Month/Year filed)	[]	[]	[]
l hereb below.	y claim the benefi	t under 35 U.S.C.	§119(e) of any United States pr	ovision	al app	licat	ion(s	s) list	ed
60/151			August 30, 1999						
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Applic	ation Number)		(Filing Date)						

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As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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David E. Huang, Esq.	Reg. No. 39,229
Christopher J. Lutz, Esq.	Reg. No. 44,883
Paul P. Kriz, Esq.	Reg. No. 45,752
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of Chapin & Huang, L.L.C., Westborough Office Park, 1700 West Park Drive, Westborough, Massachusetts 01581.

Please send correspo	ndence to: <u>David W. I</u>	Rouille, Esq.	
Chapin & Huang, L.L.	C., Westborough Office Park,	1700 West Park Drive, West	borough, MA 01581
Direct telephone calls	to: <u>David W. Rouille,</u>	Esq. Telephone No.:	508-366-9600
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Full name of sole			
or first inventor	George Friedman		
Inventor's Signature		Date	
Residence	19 Flanagan Drive, Framing		
Citizenship	United States of America		
Post Office Address _	Same as above		
			

Full name of accord i	oint	
Full name of second j		
inventor, if any		
Inventor's Signature_		_ Date
Residence	2 Ware Road, Winchester, MA 01890	
Citizenship	United States of America	
Post Office Address _	Same as above	
	·	
Full name of third join		
inventor, if any		
Inventor's Signature_	Muilled	Date 06/01/2005
Residence	44 Sharpe Road, Newton, MA 02489	
Citizenship	United States of America	
Post Office Address _	Same as above	
Full name of fourth join	nt	
inventor, if any		
Inventor's Signature		Date
Residence	188 Bishops Forest Road, Waltham, MA 02452	
	United States of America	
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Declaration for Patent Application

As a named inventor, I hereby declare that:

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I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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[]	is attached hereto) .									
[X]	was filed on August 14, 2000 as United States Application Serial No.: 09/638,828										
	and was amended	d on	(if appli	cable).							
specific	I hereby state that cation, including the	t I have reviewe claims, as am	ed and unders nended by any	stand the conten amendment ref	ts of th	e ab o ab	ove-id	lenti	fied		
patenta	I acknowledge the bility as defined in	e duty to disclos 37 C.F.R. §1.5	se informatior 66.	which is known	by me	to b	e mat	eria	i to		
identifie	I hereby claim fore tion(s) for patent or ated at least one co ad below, by checki ternational applicati	inventor's cert puntry other that ing the box, an	tificate or 365 in the United S v foreign appl	(a) of any PCT ir States of Americ loation for patent	nternati a, liste t or inv	onal d be	l applid low ar	cation of the state of the stat	on whave a	nich also or of	any imed:
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I hereby below.	r claim the benefit ι	under 35 U.S.C	C. §119(e) of a	iny United States	s provis	siona	al appl	icat	ion(s) list	ed
<u>60/151,4</u>				August 30, 19	999						
(Applica	ition Number)			(Filing Date)					•		
(Applica	tion Number)			(Filing Date)	 :						

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of Chapin & Huang, L.L.C., Westborough Office Park, 1700 West Park Drive, Westborough, Massachusetts 01581.

Please send correspo	ndence to: <u>David W. F</u>	Rouille, Esq.	
Chapin & Huang, L.L.	C., Westborough Office Park, 1	700 West Park Drive, West	borough, MA 01581
Direct telephone calls	to: <u>David W. Rouille,</u> l	Esq. Telephone No.:	508-366-9600
	David W. Rouille, I		
statements made on it made with the knowled imprisonment, or both,	re that all statements made her offormation and belief are beliew dge that willful false statements under Section 1001 of Title 18 rdize the validity of the application	ed to be true; and further the and the like so made are post of the United States Code;	at these statements were unishable by fine or and that such willful false
Full name of sole			
or first inventor	George Friedman		
Inventor's Signature		Date	
Residence	19 Flanagan Drive, Framingh		
Citizenship	United States of America		
Post Office Address _	Same as above		
——————————————————————————————————————			

Full name of second jo	int		
inventor, if any	Walter Vahey		
	2 Ware Road Winchester MA 01800		
	United States of America		
	Same as above		
-			
Full name of third joint			
inventor, if any	Michael Glik		
	44 Sharpe Road, Newton, MA 02459		
	United States of America		
	Same as above		
Full name of fourth join	t		
inventor, if any	Caren Baker		
Inventor's Signature	Com Berer	Date _	5/20/05
	188 Bishops Forest Road, Waltham, MA 02452		
	United States of America		
Post Office Address	Same as above		

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): George Friedman

Serial No.: 09/638,828

For:

METHOD AND SYSTEM FOR WEB BASED SOFTWARE OBJECT

TESTING

Filing Date: August 14, 2000 Examiner:

Mary J. Steelman

Art Unit:

2122

Conf. No.:

9533

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: <u>June 20, 2005</u>

By: Mary A. Maietta

(Typed or printed name of person mailing Document, whose signature appears below)

Signature: Mary a. Mauetta

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

AMENDMENT TO CORRECT INVENTORSHIP

Dear Sir:

Please correct the inventorship of the above-identified application by adding Walter Vahey, Michael Glik, and Caren Baker as co-inventors.

U.S. Application No.: <u>09/638,828</u> Attorney Docket No.: <u>EMP04-19</u>

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REMARKS

This Amendment is made in accordance with 37 CFR §1.48. Accompanying this Amendment is a Petition including a statement by the inventors being added, Walter Vahey, Michael Glik, and Caren Baker, establishing that the error occurred without deceptive intention on their part, and a Declaration by all of the actual inventors as required by 37 C.F.R. §1.63 and a written consent of the Assignee of this application. A check in the amount of \$130.00 as set forth in 37 C.F.R. §1.17(i) is attached.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. <u>50-0901</u>.

Please also charge an underpayment or credit any overpayment to Deposit Account No. <u>50-0901</u>. A duplicate copy of this paper is attached.

Respectfully submitted,

David W. Rouille, Esq. Attorney for Applicant(s)

U.S.P.T.O. Registration No.: 40,150

David W. Roulle

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Attorney Docket No.: EMP04-19

Date: June 20, 2005